Remarks / Arguments

Claims 1-4, 6-14, 16-24, and 26 were pending in the present application. Applicant has received the Office Action dated October 18, 2006, which:

1) Rejects Claim 21 and its dependent Claims 22-26, under 35 U.S.C § 101;

2) Rejects Claims 1-4, 6-14, 16-24, and 26 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Zimmer* (US 7,051, 215) in view of Rothman et al. U.S. PG Pub: 2004/0109406 (hereinafter "*Rothman*");

With this Response, Applicant amends claims 1-4, 6-14, 17, 18 and 20; cancels claims 21-24 and 26 and adds new claims 28-35. Therefore, claims 1-4, 6-14, 16-20, and 28-35 remain pending.

Based on these amendments, cancellations and the remarks that follow, Applicant submits that the pending claims are in condition for allowance and respectfully request reconsideration.

I.   **CLAIM REJECTIONS – 35 U.S.C § 101**

Claims 21-26 have been canceled and rewritten as new Claims 30-35. Independent Claim 30 recites: "Compute clustering software embodied in a computer-readable medium and operable to provide a graphical user interface (GUI), the GUI operable to: ….´ which is limited to functional descriptive material. Claims 31-35 depend on independent Claim 30. As such, Applicant respectfully requests that the rejection under 35 USC 101 be withdrawn and that claims 30-35 be allowed at this time.

II.   **CLAIM REJECTIONS – 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 1-4, 6-14, and 16-20, under 35 U.S.C. § 103 as being unpatentable over *Zimmer* in view of Rothman et al. U.S. PGPub: 2004/0109406 (hereinafter "*Rothman*"). Applicant has amended claim 1 and similarly

independent claim 11 to recite: "…associating each stored receptor physical location of the defined cluster with a not necessarily same selected one of a plurality of images;…" Neither reference suggests a plurality of images for use on different network devices. Zimmer teaches a single firmware load (Col. 8, lines 25-55). Similarly, Rothman teaches only a single boot image. (para [0017]).

Furthermore, Claim 1 and similarly Claim 11 recites: "…receiving a second selected image for a second network device of the defined cluster … wherein the second selected image is different from the first selected image." As discussed above, neither Zimmer nor Rothman teach or suggest use of a second different image for a second network device in a defined cluster. Independent Claims 1 and 11 are therefore allowable over the cited references in any combination.

New independent Claim 30 similarly recites: "…wherein the software is operable to associate each logical address of the defined cluster with a not necessarily same selected one of the plurality of images" and is therefore allowable for the same reason discussed above.

Independent Claim 30 further recites: "the GUI operable to…receive information from a user to create a defined cluster by pointing and clicking on a portion of the plurality of receptors illustrated in the selection area." Neither cited reference suggests a GUI with such a novel feature, therefore Claim 30 is allowable over the cited references for this additional reason.

Dependent claims 1-4, 6-10, 12-14, 16-20, 28, 29 and 31-35 depend directly or ultimately on allowable base claims and are therefore allowable for this reason and by virtue of their further distinctive recitations. For example, Claim 4 recites: "…different physical location identifying different software that operates to configure the plurality of receptors in the defined cluster." Claim 14 recites a similar limitation. As discussed above, neither reference suggests different images. Claim 4 and 14 are allowable over the cited references in any combination for this further reason.

Claim 7 recites: "automatically installing an image on the network device, the image comprising a selected one of the plurality of images associated with the physical address of the previously unoccupied receptor." Neither reference suggests "a selected one." Claim 17 recites a similar limitation. Claims 7 and 17 are therefore allowable over the cited references in any combination for this further reason.

III.   CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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